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C O N F I D E N T I A L THE HAGUE 002024

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TAGS: [PREL](#) [PHUM](#) [EU](#) [NL](#)
SUBJECT: NETHERLANDS/DETAINEES: FM BOT DEFENDS ENGAGEMENT
WITH U.S.

REF: THE HAGUE 1978

Classified By: Political Counselor Andrew Schofer; reasons 1.4 (b) and (d).

11. (C) Summary: FM Bot told parliament September 13 that he had spoken with Secretary Rice and made known Dutch concerns over secret prisons and detainee policy. He defended his acceptance of her assurances last year, and said that U.S. arguments on the challenges of interrogating terror suspects have some validity. He refused demands from the left to raise the issue to the Human Rights Council (HRC). End summary.

12. (C) In a rancorous parliamentary debate on September 13, Dutch Foreign Minister Bot staved off attacks from Labor (PvdA), the Greens, and Socialists accusing the GONL of either lying to Parliament about U.S. "secret prisons" or being misled by U.S. officials, including Secretary Rice. Bot denied being "had" by Secretary Rice, and stressed that he had vigorously conveyed Dutch unease with U.S. detainee policy at every available opportunity. Bot also said he saw opportunities emerging for finding consensus with the U.S.

13. (C) Bot argued that he was justified in accepting Secretary Rice's December 2005 assurances on renditions and

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overflights, and forcefully rejected Socialist Party foreign policy spokesman von Bommel's assertion that he was "Bush's lap dog." Bot said Rice had assured him then, and again this past week, that Dutch sovereignty had not been violated. That did not mean that secret prisons did not exist, and she was always clear that she was not prepared to discuss intelligence operations.

14. (C) Bot added that U.S. concerns over the ability of nations to adequately interrogate terror suspects are not without merit. He said the GONL categorically rejects arguments that secret prisons are justified, and stressed the importance of adequate oversight and procedures to ensure due process. He saw a willingness by the U.S. to engage on these issues and suggested that the U.S. and the Netherlands might find consensus on the meaning of Article 3, for example, by looking to Article 75 of the First Additional Protocol. (MFA Deputy European Correspondent Jeroen Boender, who helped prepare Bot for the debate, subsequently assured poloff that the GONL has no intention of trying to renew debate about U.S. accession to the Protocol.) Bot reserved judgment on legislation now being debated in the U.S. Congress.

15. (C) Bot promised to raise concerns over U.S. policy at the September 15 monthly EU Foreign Ministers' meeting (GAERC) and said he would consider raising it at the North Atlantic Council (NAC). He rejected demands by some parliamentarians

that he raise the concerns at the Human Rights Council (HRC), saying he would not take action that risked putting the U.S. on a par with states such as North Korea or Zimbabwe.

¶16. (C) Comment: President Bush's September 6 speech continues to play poorly here, despite vigorous PR efforts by Post and visiting U.S. officials (i.e., USNATO Permrep Nuland and EUR PDAS Volker). Elections are clearly part of the reason, but there is also an underlying sense of unease throughout Dutch society over what is viewed as a possible drifting apart on essential values. On the other hand, Bot's statements during the debate acknowledging the legitimacy of some U.S. concerns, and his apparent willingness to engage with the U.S. on finding long-term solutions to detainee-related issues, present opportunities for us to move the discussion forward productively. End comment.
ARNALL